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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,205	09/03/2003	David Chen	CHEN396	2601
1444	7590	04/15/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/653,205

Applicant(s)

CHEN, DAVID

Examiner

Mark S. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claims 1-15 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The following rejections are made on the claims as best they can be understood.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Vinciguerra.

Vinciguerra's base member 10 includes a putting green board 12 both of which have a hole in the center as can be seen in Fig. 3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 13/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinciguerra in view of Kim. Vinciguerra discloses the claimed device with multiple elevating assemblies. Vinciguerra does not discuss automating the assemblies but it is known in the art to do such as disclosed by Kim. It would have been obvious to one of ordinary skill in the art to have done the same with Vinciguerra's assembly to make it easier to adjust.

Concerning claim 4, element 50 is considered the shell provided on the base member with the screw within considered the elevating pivotable/slidable part.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 4 above, and further in view of Ju. Claim 6 is obviated for the reasons explained in the claim 4 rejection with the exception of the tappet and hole stop system. However such (14) are known in the art as disclosed by Ju. It would have been obvious to one of ordinary skill in the art to have provided such on Vinciguerra's device to limit the elevating assemblies.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vinciguerra in view of Gettelfinger. Vinciguerra discloses the claimed device with multiple elevating assemblies. Vinciguerra does not discuss automating the assemblies but it is known in the art to do such as disclosed by Gettelfinger with a motor. It would have been obvious to one of ordinary skill in the art to have done the same with Vinciguerra's assembly to make it easier to adjust.

Claim 13/8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 8 above, and further in view of Kim. Claim 13 is obviated for the reasons explained in the claim 8 rejection with the exception of the controlling device. However, as

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disclosed by Kim it is known in the art to include such. It would have been obvious to one of ordinary skill in the art to have done the same with the Vinciguerra/Gettelfinger device to make it easier to use.

Claim 15/13/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13/2 above, and further in view of Newby.

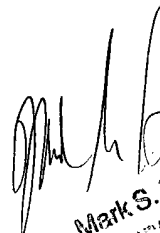
Claim 15/13/2 is obviated for the reason set forth in the claim 13/2 rejection with the exception of the microswitch in the guideway. However, as disclosed by Newby it is known in the art to provide a switch in the guideway to count the balls. It would have been obvious to one of ordinary skill in the art to have done the same with Vinciguerra's device to count the balls.

Claim 15/13/8 is obviated for the reason set forth in the claim 13/8 rejection with the exception of the microswitch in the guideway. However, as disclosed by Newby it is known in the art to provide a switch in the guideway to count the balls. It would have been obvious to one of ordinary skill in the art to have done the same with Vinciguerra's device to count the balls.

Russell, Florian, Anderson, Davis, Jackson, and Russo have been cited for interest because they disclose similar devices.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 703-308-1355.

MSG
4/13/04



Mark S. Graham
Primary Examiner